IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

FRED HANEY, MARSHA MERRILL SYLVIA RAUSCH, STEPHEN SWENSON, and ALAN WOOTEN, individually and on Behalf of All Others Similarly Situated)))
Plaintiffs,) Civil Action No. 3:22-cv-00055-REP
GENWORTH LIFE INSURANCE COMPANY and GENWORTH LIFE INSURANCE COMPANY OF NEW YORK.) CLASS ACTION)

MOTION FOR LEAVE TO CALL KATHRYN DIMIDUK AS A WITNESS BY WAY OF ZOOM AT THE FAIRNESS HEARING ON DECEMBER 13, 2022

The objectors, Gary M. Davis and Lorraine Freedlander, file this motion seeking leave of court to call Kathryn Dimiduk as a witness at the reconvening of the fairness hearing on December 13, 2022 for the following reasons

- On November 17, 2022, this court held a fairness hearing to consider final approval of a settlement of this class action in accordance with FRCP 23(c).
- (2) Objector Gary Davis argued certain objections to the court and, at the court's request was asked to submit a brief on an objection regarding Genworth's failure to inform its policyholders that they were class members in a class action suit that had not only been filed but had been tentatively settled and that a decision to reduce their coverage could negatively impact the options available to them in the proposed settlement of that class action.

(3) The court scheduled a reconvening of that fairness hearing for December 13, 2022 for the purpose of further considering the Davis/Freedlander objections and also considering certain other matters regarding an additional settlement option.

(4) On November 23, 2022 plaintiff and defense counsel jointly filed their supplemental brief responding to the Davis/Freedlander objections.

(5) On page nine of their brief, the parties reference Objector Kathryn Dimiduk (ECF No. 67) who they state raised the issue as Davis/Freedlander.

(6) Objector Davis believes Ms. Dimiduk's testimony would be instructive to the court regarding the process she followed after receiving a premium increase notice in April 2022, the information or lack thereof she was provided and the impact it had on the options now available to her.

(7) Ms. Dimiduk lives in Ithica, NY and it would be a burden for her to travel to Richmond, VA to testify. However, she is willing to make herself available by way of a Zoom connection.

(8) Objector Davis believes presenting her testimony would require little court time, certainly less than one half hour.

WHEREFORE, Objector Davis requests leave to present Ms. Dimiduk's testimony by Zoom at the reconvened fairness hearing on December 13, 2022.

Submitted By

Gary M. Ďavis, Esquire

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CERTIFICATE OF SERVICE

I certify that on the Aday of December 2022, I caused the foregoing document to be emailed to Nikki Brown, Courtroom Deputy for the Honorable Robert E. Payne, United States District Court Judge for the Eastern District of Virginia, so that she might electronically file it using the CM/ECF System. That email was sent to Nikki Brown@vaed.uscourts.gov. I also served a copy by email on the following counsel per our agreement at the email addresses specified below:

Michael J. Duvall, Esquire Counsel for Defendants Michael.duvall@dentons.com

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Submitted By Dun MI

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